

UNITED STATES COURT OF APPEALS  
FOR THE THIRD CIRCUIT

NO. 04-3810

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MICHAEL W. HILL,  
Appellant

v.

JOHN J. LAMANNA, Warden

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On Appeal From the United States District Court  
For the Western District of Pennsylvania  
(D.C. Civ. No. 03-cv-00160E)  
District Judge: Honorable Sean J. McLaughlin

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Submitted Under Third Circuit LAR 34.1(a)  
May 18, 2005

Before: ROTH, MCKEE AND ALDISERT, CIRCUIT JUDGES

**JUDGMENT**

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This cause came on to be heard on the record from the United States District Court for the Western District of Pennsylvania and was submitted pursuant to Third Circuit LAR 34.1(a). On consideration whereof, it is now here ORDERED AND ADJUDGED by this Court that the judgment of the District Court entered September 20, 2004, be and the same is hereby affirmed in part and vacated in part; the matter is remanded to the district court for further proceedings in accordance with the opinion of this Court.

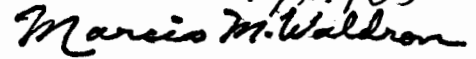
ATTEST:



Chief Deputy Clerk

DATED: August 24, 2005

Certified as a true copy and issued in lieu  
of a formal mandate on 10/17/05



Teste:  
Clerk, U.S. Court of Appeals for the Third Circuit